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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 08-082

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]**

#### **1. Statutory Authority**

Section 256.15 (9m), Stats., directs the department to promulgate rules that specify the qualifications for providers of automated external defibrillator (AED) training. However, s. DHS 119.04, “Instructor qualifications,” only requires that the provider must “meet all of the qualifications, including qualifications for frequency of training, specified by the approved provider for which instruction is provided.” It is unclear whether this fulfills the statutory requirement that the department specify qualifications for providers of training.

#### **2. Form, Style and Placement in Administrative Code**

a. The rule creates two sections that are both numbered s. DHS 119.04. To correct this situation, the section titled “Instructor qualifications” should be numbered as s. DHS 119.05.

b. In s. DHS 119.04 (2) (c), “person” should be deleted.

#### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. Section DHS 119.01 should be expanded to specify that the chapter also establishes qualifications for the providers of the required training. [See s. 256.15 (9m), Stats.]

b. Section DHS 119.04 (1) [which should be renumbered DHS 119.05 (1)] states that the requirements of that section apply to persons who provide instruction to, among others, a person who is required as a condition of licensure, certification, or registration to have current

proficiency in the use of an AED. However, the title of the chapter indicates that its provisions apply only to emergency medical technicians (EMTs), first responders, and individuals who provide instruction to EMTs and first responders. It appears that the chapter title should be changed to indicate that it applies to persons other than those who provide instruction solely to EMTs or first responders.

c. In s. DHS 119.04, “EMTs and first responders” should be changed to “EMTs or first responders.”

d. What is meant by the requirement in s. DHS 119.04 (2) (b) that courses must provide instruction on how to perform cardiopulmonary resuscitation (CPR) “at the professional level”? Are there specific skills that must be taught to comply with this requirement? If so, those should be specifically described. If not, the phrase “at the professional level” should be deleted.

e. Should s. DHS 119.04 (2) (b) specify the “medical devices” to which it refers?